**Copyright Law of the People's Republic of China**

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(Adopted at the Fifteenth Session of the Standing Committee of the Seventh National People's Congress on September 7, 1990 and amended for the first time in accordance with the Decision of the 24th Session of the Standing Committee of the Ninth National People's Congress Concerning Amendment to the Copyright Law of the People's Republic of China on October 27, 2001; amended for the second time in accordance with the Decision of the 13th Session of the Standing Committee of the Eleventh National People's Congress Concerning Amendment to the Copyright Law of the People's Republic of China on February 26, 2010; amended for the third time in accordance with Decision of the 23rd session of Standing Committee of the  Thirteenth National People's Congress on Amending the Copyright Law of the People's Republic of China on November 11, 2020)

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**Chapter I General Provisions**

**Article 1.** This Law is enacted, in accordance with the Constitution for the purposes of protecting the copyright of authors in their literary, artistic and scientific works and rights related to copyright, of encouraging the creation and dissemination of works which would contribute to the construction of socialist spiritual and material civilization, and of promoting the development and flourishing of socialist culture and sciences.

**Article 2.** Works of Chinese citizens, legal entities or unincorporated organizations, whether published or not, shall enjoy copyright in accordance with this Law.

Any work of a foreigner or stateless person which enjoys copyright under an agreement concluded between the country to which the author belongs or in which the author permanently resides and China, or under an international treaty to which both countries are parties, shall be protected by this Law.

Any work of a foreigner or stateless person published for the first time and within the territory of China shall enjoy copyright in accordance with this Law.

Any work of an author from a country not having concluded an agreement with China or entered into an international treaty jointly with China or of a stateless person, which is published for the first time in a country as a member of the international treaty into which China has entered or published in a member country and non- member country at the same time, shall be protected by this Law.

**Article 3.** "Works" mentioned in this Law shall refer to ingenious intellectual achievements in the fields of literature, art and science that can be presented in a certain form:

(1) written works;

(2) oral works;

(3) musical, dramatic, quyi[ⅰ], choreographic and acrobatic art works;

(4) works of fine art and architecture

(5) photographic works;

(6) audiovisual works

(7) drawings of engineering designs and product designs, maps, sketches and other graphic works as well as model works;

(8) computer software; and

(9) other intellectual achievements that meet the characteristics of works.

**Article 4.** When exercising rights, copyright owners and copyright-related right holders shall not violate the Constitution and laws, or damage public interests. The state shall supervise and administrate the publication and dissemination of works according to the law.

**Article 5.**This Law shall not be applicable to:

(1) laws, regulations, resolutions, decisions and orders of state organs; other documents of legislative, administrative or judicial nature; and their official translations;

(2) simple factual information; and

(3) calendars, numerical tables, forms of general use and formulas.

**Article 6.**Regulations for the protection of copyright in expressions of folklore shall be separately established by the State Council.

**Article 7.**The copyright administration department under the State Council shall be responsible for the nationwide administration of copyright. The local copyright authorities at or above the county level shall be responsible for the administration of copyright within its own jurisdiction.

**Article 8.** Copyright owners and copyright-related right holders may authorize a collective management organization of copyright to exercise the copyright or the rights related to copyright. As a non-for-profit legal entity, a collective management organization of copyrights lawfully formed may, with authorization, claim rights in its own name for a copyright owner and a copyright-related right holder, and may, as a party concerned, participate in the litigation, arbitration, and mediation activities involved with copyright or the rights related to copyright.

A collective management organization of copyrights shall collect royalties from users based on authorization. The standards for the collection of royalties shall be determined by the collective management organization of copyrights and the user representative through negotiation. If the negotiation fails, the parties may apply to the copyright authority of the state for a ruling. A party who is not satisfied with the ruling may institute a lawsuit with the people's court; and the parties may directly institute a lawsuit with the people's court as well.

A collective management organization of copyrights shall disclose the collection and transfer of royalties, the withdrawal and use of management fees, the unallocated royalties, and other overall situation to the public on a regular basis, and establish a right information inquiry system for inquiry by right owners, right holders and users. The copyright authority of the state shall supervise and manage collective management organizations of copyrights in accordance with the law.

For collective management organizations of copyrights, their methods of formation, rights and obligations, and collection and distribution of royalties, as well as supervision and management thereof shall be separately prescribed by the State Council.

**Chapter II Copyright**

**Section 1 Copyright Owners and Their Rights**

**Article 9.** "Copyright owners" shall include:

(1) authors; and

(2) other natural persons, legal entities and unincorporated organizations enjoying copyright in accordance with this Law.

**Article 10.** "Copyright" shall include the following personal rights and property rights:

(1) the right of publication, that is, the right to decide whether to make a work available to the public;

(2) the right of authorship, that is, the right to claim authorship and to have the author's name mentioned in connection with the work;

(3) the right of alteration, that is, the right to alter or authorize others to alter one's work;

(4) the right of integrity, that is, the right to protect one's work against distortion and mutilation;

(5) the right of reproduction, that is, the right to produce one or more copies of the work by means of printing, Xeroxing, rubbing, sound recording, video recording, duplicating, re-shooting, or digital way etc.;

(6) the right of distribution, that is, the right to provide the public with original copies or reproduced copies of works by means of selling or donating;

(7) the right of lease, that is, the right to non-gratuitously permit others to temporarily use the original or copy of audiovisual works and computer software, unless the computer software is not the main object of lease;

(8) the right of exhibition, that is, the right to publicly display the original copies or reproduced copies of works of fine art and photographic works;

(9) the right of performance, that is, the right to publicly perform works, and to publicly transmit the performance of works by various means;

(10) the right of projection, that is, the right to make, by such technical equipment as projectors, episcopes, etc., the works of fine art, photographic works, audiovisual works, etc. reappear publicly;

(11) the right of broadcasting, that is, the right to publicly broadcast or disseminate works by wired or wireless means, and to disseminate broadcast works to the public by audio amplifier or other similar instruments for transmission of signs, sounds or images, excluding the right as prescribed in item (12) of this paragraph;

(12) the right of dissemination via information networks, that is, the right to provide works that may be obtained by the public at the time and place selected by the public by wired or wireless means;

(13) the right of production, that is, the right to fix works on the carrier by way of producing audiovisual works;

(14) the right of adaptation, that is, the right to modify a work for the purpose of creating a new work of original creation;

(15) the right of translation, that is, the right to transform the language of a work into another language;

(16) the right of compilation, that is, the right to choose or edit some works or fragments of works so as to form a new work; and

(17) other rights which shall be enjoyed by the copyright owners.

A copyright owner may permit others to exercise the rights provided in Items 5 through 17 of the preceding paragraph, and may receive remuneration as agreed upon in a contract or in accordance with the relevant provisions in this Law.

A copyright owner may wholly or partially transfer the rights provided in Items 5 through 17 of Paragraph 1 of this Article, and may receive remuneration as agreed upon in a contract or in accordance with the relevant provisions in this Law.

**Section 2 Ownership of Copyright**

**Article 11.** Except otherwise provided in this Law, the copyright in a work shall belong to its author.

The author of a work is the natural person who has created the work.

Where a work is created according to the intention and under the supervision and responsibility of a legal entity or another unincorporated organization, such legal entity or unincorporated organization shall be the author of the work.

**Article 12.** The natural person, legal entity or unincorporated organization whose name is affixed to a work shall, without contrary proof, be the author of the work and have corresponding rights in the work.

Authors and other copyright owners may register their works with a registry recognized by the copyright authority of the state.

The copyright-related rights shall be governed, mutatis mutandis, by the provisions of the preceding two paragraphs.

**Article 13.** Where a work is created by adaptation, translation, annotation or arrangement of a pre-existing work, the copyright in the work thus created shall be enjoyed by the adapter, translator, annotator or arranger, provided that the exercise of such copyright shall not infringe upon the copyright in the original work.

**Article 14.** Where a work is created jointly by two or more co-authors, the copyright in the work shall be enjoyed jointly by those co-authors. Co-authorship may not be claimed by anyone who has not participated in the creation of the work.

The copyright of a work of joint authorship shall be exercised by co-authors upon consensus; and where no consensus has been reached and there is no justified reason, no party shall prevent another party from exercising rights other than transferring and permitting others' exclusive use, and pledging, but the proceeds obtained shall be reasonably distributed to all co-authors.

If a work of joint authorship can be separated into independent parts and exploited separately, each co-author shall be entitled to independent copyright in the parts that he has created, provided that the exercise of such copyright does not infringe upon the copyright in the joint work as a whole.

**Article 15.** A work created by compilation shall refer to the work which is compiled of some works, fragments of works or the data or other materials not constituting a work, and the choice or layout of the contents of which embodies the original creation. The copyright of the compilation work shall be enjoyed by the compiler, provided that the exercise of such copyright does not infringe upon the copyright of the pre-existing works included in the compilation.

**Article 16.** To use a work produced by adaptation, translation, annotation, sorting, or compilation of a pre-existing work for publication, performance, and production of an audiovisual work, the permission of the copyright owner of the work and the copyright owner of the original work shall be obtained and remuneration shall be paid to the copyright owners.

**Article 17.** The copyright of cinematographic works and TV play works in audiovisual works shall be enjoyed by producers, but screenwriters, directors, photographers, lyricists, composers, and other authors shall enjoy the right of authorship and have the right to obtain remuneration as agreed upon in the contracts signed with producers.

The ownership of the copyright of an audiovisual work other than those specified in the preceding paragraph shall be agreed upon by the parties; and where there is no agreement or the agreement is unclear, the copyright shall be enjoyed by the producer, but the author shall have the right of authorship and of receiving remuneration.

The authors of script, music, and other works that are incorporated in audiovisual works and may be used separately shall be entitled to exercise their copyright independently.

**Article 18.** A work created by a natural person when fulfilling the tasks assigned to him by a legal entity or another unincorporated organization shall be deemed to be a work made for hire. Unless otherwise provided in Paragraph 2 of this Article, the copyright of such a work shall be enjoyed by the author, but the legal entity or unincorporated organization shall have a priority right to exploit the work within the scope of its professional activities. During the two years after the completion of the work, the author shall not, without the consent of the legal entity or organization, authorize a third party to exploit the work in the same way as the legal entity or organization does.

In the following cases the author of a work made for hire shall enjoy the right of authorship, while the legal entity or unincorporated organization shall enjoy other rights included in the copyright and may reward the author:

(1) drawings of engineering designs and product designs, sketch maps, computer software and other works made for hire, which are created mainly with the materials and technical resources of the legal entity or unincorporated organization and under its responsibility;

(2) works made for hire created by employees of newspapers, periodical presses, news agencies, radio stations, and television stations; and

(3) works made for hire of which the copyright is, in accordance with the laws or administrative regulations or as agreed upon in a contract, enjoyed by the legal entity or unincorporated organization.

**Article 19.** The ownership of copyright in a commissioned work shall be agreed upon in a contract between the commissioning and the commissioned parties. In the absence of such a contract or of an explicit agreement in the contract, the copyright in such a work shall belong to the commissioned party.

**Article 20.** The transfer of the ownership of an original work shall not change the ownership of the copyright of the work, but the exhibition rights of an original art work and photography work shall be enjoyed by the owner of the original work.

Where an author transfers the ownership of an original unpublished art work or photographic work to another, the transferee's exhibition of the original does not constitute an infringement upon the author's right of publication.

**Article 21.** Where the copyright of a work belongs to a natural person, his rights in respect of the work as provided in Items 5 through 17 of Paragraph 1 of Article 10 of this Law shall, after his death, during the term of protection provided in this Law, be transferred in accordance with the law.

Where the copyright of a work belongs to a legal entity or another unincorporated organization, its rights in respect of the work as provided in Items 5 through 17 of Paragraph 1 of Article 10 of this Law shall, after the change or the termination of the status of the legal entity or unincorporated organization, during the term of protection provided in this Law, be enjoyed by the succeeding legal entity or unincorporated organization which has taken over the rights and obligations of the previous legal entity or unincorporated organization, or, in the absence of such succeeding legal entity or unincorporated organization, by the State.

**Section 3 Term of Protection**

**Article 22.** The rights of authorship, alteration and integrity of an author shall be unlimited in time.

**Article 23.** In respect of a work of a natural person, the term of protection of the right of publication and of the rights provided in Items 5 through 17 of Paragraph 1 of Article 10 of this Law shall be the lifetime of the author and fifty years after his death, expiring on December 31 of the fiftieth year after his death. In the case of a work of joint authorship, such term shall expire on December 31 of the fiftieth year after the death of the last surviving author.

In respect of a work of a legal entity or an unincorporated organization, and a work for hire whose copyright (excluding the right of authorship) is owned by a legal entity or an unincorporated organization, the term of protection of the right of publication shall be fifty years, expiring on December 31 of the fiftieth year after the completion of creation of the work; and the term of protection of the rights provided in Items 5 through 17 of Paragraph 1 of Article 10 of this Law shall be fifty years, expiring on December 31 of the fiftieth year after the first publication of the work, but if a work has not been published within fifty years after the completion of its creation, it shall no longer be protected by this Law.

In respect of an audiovisual work, the term of protection of the right of publication shall be fifty years, expiring on December 31 of the fiftieth year after the completion of creation of the work; and the term of protection of the rights provided in Items 5 through 17 of Paragraph 1 of Article 10 of this Law shall be fifty years, expiring on December 31 of the fiftieth year after the first publication of the work, but if a work has not been published within fifty years after the completion of its creation, it shall no longer be protected by this Law.

**Section 4 Limitations on Rights**

**Article 24.**In the following cases, a work may be exploited without the permission from, and without payment of remuneration to, the copyright owner, provided that the name or designation of the author and the title of the work are mentioned, the normal use of the work shall not be affected, and the lawful rights and interests of the copyright owner shall not be damaged unreasonably:

(1) use of a published work for the purposes of the user's own private study, research or self-entertainment;

(2) appropriate quotation from a published work in one's own work for the purposes of introduction of, or comment on, a work, or demonstration of a point;

(3) inevitable reappearance or citation of a published work in newspapers, periodicals, radio stations, television stations or other media for the purpose of reporting news;

(4) reprinting by newspapers or periodicals or other media, or rebroadcasting by radio stations or television stations or other media, of the current event articles on the issues of politics, economy and religion, which have been published by other newspapers, periodicals, radio stations or television stations or other media, except where the copyright owner has declared that publication or broadcasting is not permitted;

(5) publication in newspapers or periodicals or other media, or broadcasting by radio stations or television stations or other media, of a speech delivered at a public assembly, except where the author has declared that publication or broadcasting is not permitted;

(6) translation, adaptation, compilation, and broadcasting or reproduction, in a small quality of copies, of a published work for use by teachers or scientific researchers in classroom teaching or scientific research, provided that the translation or reproduction is not published or distributed;

(7) use of a published work by a State organ within the reasonable scope for the purpose of fulfilling its official duties;

(8) reproduction of a work in its collections by a library, archive, memorial hall, museum, art gallery, art museum or similar institution, for the purpose of the display or preservation of a copy of the work;

(9) performance of a published work free of charge, that is, with respect to the performance, neither fees are charged from the public nor the remuneration is paid to the performers, nor the performance is for profit;

(10) copying, drawing, photographing, or video recording of an artistic work located or on display in a public place;

(11) translation of a work published by a Chinese citizen, legal entity or unincorporated organization, which is created in the national common language and characters, into a minority nationality language for publication and distribution within the country;

(12) providing a published work for dyslexics in a barrier-free way through which they can perceive; and

(13) other circumstances prescribed by laws and administrative regulations.

The provisions of the preceding paragraph shall apply to limitations on copyright-related rights.

**Article 25.** Those who compile and publish textbooks for the purpose of implementing compulsory education or national educational planning of the state may,  published fragments of works, short written works, musical works, or single art works, photographic works, or graphic works may be compiled in the textbooks without permission of copyright owners, provided that remuneration is paid to the copyright owners according to the provisions, and the names or designations of authors, and titles of works are indicated, and other rights enjoyed by copyright owners in accordance with this Law are not infringed upon.

The provisions of the preceding paragraph shall apply to restrictions on copyright-related rights.

**Chapter III Copyright Licensing Contracts and Copyright Transfer Contracts**

**Article 26.** Anyone who exploits a work created by another shall conclude a licensing contract with the copyright owner, except the circumstances in which no permission is needed in accordance with the provisions of this Law.

A licensing contract shall include the following main contents:

(1) the category of the right to exploit the work covered by the license;

(2) the exclusive or non-exclusive nature of the right to exploit the work covered by the license;

(3) the territorial scope and term of the license;

(4) the standard of the remuneration and the method of payment;

(5) the liabilities for breach of the contract; and

(6) any other matter that contracting parties consider necessary.

**Article 27.** Transfer of a right provided in Items 5 through 17 of Paragraph 1 of Article 10 of this Law shall require conclusion of a contract in writing.

A copyright transfer contract shall include the following main contents:

(1) the title of the work;

(2) the category and territorial scope of the transferred right;

(3) the transfer price;

(4) the date and manner of payment of the transfer price;

(5) the liabilities for breach of the contract; and

(6) any other matter that the contracting parties consider necessary.

**Article 28.** Where the property rights in copyright are pledged, the pledgor and pledgee shall complete pledge registration according to the law.

**Article 29.** The other party may not, without permission from the copyright owner, exercise any right that is not explicitly licensed or transferred by the copyright owner in the licensing or transfer contract.

**Article 30.** The standards of remuneration for the exploitation of a work may be either agreed upon by the parties concerned or be made by the copyright administration department under the State Council in collaboration with other departments concerned. Where the parties concerned fail to reach a clear agreement, the remuneration shall be paid in accordance with the standards of remuneration made by the copyright administration department under the State Council in collaboration with other departments concerned.

**Article 31.** Publishers, performers, producers of sound recordings and video recordings, radio stations, television stations and other entities who or which exploit the works of others pursuant to the relevant provisions of this Law shall not infringe upon the authors' rights of authorship, alteration, and integrity, and rights for obtaining remuneration.

**Chapter IV Copyright-Related Rights**

**Section 1 Publication of Books, Newspapers and Periodicals**

**Article 32.** A book publisher who publishes a book shall conclude a publishing contract with, and pay remuneration to, the copyright owner.

**Article 33.** A book publisher's exclusive right to publish a work delivered to him by the copyright owner for publication, which is agreed upon in the contract, shall be protected by this law, and no others may publish such work.

**Article 34.** The copyright owner shall deliver the work within the term agreed upon in the contract. The book publisher shall publish the work in accordance with the quality requirements and within the term agreed upon in the contract.

The book publisher shall bear the civil liability provided in Article 61 of this Law if he fails to publish the work within the term agreed upon in the contract.

The book publisher shall notify, and pay remuneration to, the copyright owner when the work is to be reprinted or republished. If the publisher refuses to reprint or republish the work when stocks of the book are exhausted, the copyright owner shall have the right to terminate the contract.

**Article 35.** Where a copyright owner has submitted the manuscript of his work to a newspaper or a periodical publisher for publication and has not received, within fifteen days from the newspaper publisher or within thirty days from the periodical publisher, counted from the date of submission of the manuscript, any notification of the said publisher's decision to publish the work, the copyright owner may submit the manuscript of the same work to another newspaper or periodical publisher for publication, unless the two parties have agreed otherwise.

Except where the copyright owner has declared that reprinting or excerpting is not permitted, other newspaper or periodical publishers may, after the publication of the work by a newspaper or periodical, reprint the work or print an abstract of it or print it as reference material, but such other publishers shall pay remuneration to the copyright owner as provided in regulations.

**Article 36.** A book publisher may alter or abridge a work with the permission from the copyright owner.

A newspaper or periodical publisher may make editorial modifications and abridgments in a work, but shall not make modifications in the content of the work unless permission has been obtained from the author.

**Article 37.** A publisher shall have the right to permit another to exploit, or prohibit such person from exploiting, the typographical design of the book or the periodical which he has published.

The term of protection of the right provided in the preceding paragraph shall be ten years, expiring on December 31 of the tenth year after the first publication of the book or periodical in which the typographical design is used.

**Section 2 Performance**

**Article 38.** A performer who for a performance exploits a work created by another shall obtain permission from, and pay remuneration to, the copyright owner. Where a performance is organized by a performing organizer, the organizer shall obtain permission from, and pay remuneration to, the copyright owner.

**Article 39.** A performer shall, in relation to his performance, enjoy the rights:

(1) to claim as a performer;

(2) to protect the character in his performance from distortion;

(3) to authorize others to make live broadcasts or to publicly transmit his live performance, and to receive remuneration therefrom;

(4) to authorize others to make sound recordings and video recordings, and to receive remuneration therefrom;

(5) to authorize others to reproduce, distribute and lease the sound recordings or video recordings which record his performance, and to receive remuneration therefrom; and

(6) to authorize others to disseminate his performance to the public through information network, and to receive remuneration therefrom.

Anyone who is authorized to exploit the work in the ways provided in Items 3 through 6 of the preceding paragraph shall also obtain permission from, and pay remuneration to, the copyright owner.

**Article 40.** The performance by an actor for completing the performance tasks of the performing entity shall be performance for hire. The actor shall enjoy the right to indicate his or her identity and protect his or her performance image from being distorted. The ownership of other rights shall be agreed upon by the parties. Where the parties have not reached an agreement or the agreement is unclear, the right of performance for hire shall be enjoyed by the performing entity.

Where the right of performance for hire is enjoyed by an actor, the performing entity may, within its scope of business, use the performance for free.

**Article 41.** The term of protection of the rights provided in Items 1 and 2 of Paragraph 1 of Article 39 of this Law shall not be limited.

The term of protection of the rights provided in Items 3 through 6 of Paragraph 1 of Article 39 of this Law shall be fifty years, expiring on December 31 of the fiftieth year after the performance is made.

**Section 3 Sound Recordings and Video Recordings**

**Article 42.** A producer of sound recordings or video recordings who, for the production of a sound recording or video recording, exploits a work created by another, shall obtain permission from, and pay remuneration to, the copyright owner.

A producer of sound recordings, who, for the production of a sound recording, exploits a music work duly made by another into a sound recording, may not obtain permission from, but shall pay remuneration to, the copyright owner as prescribed by regulations; and such work shall not be exploited where the copyright owner has declared that such exploitation is not permitted.

**Article 43.** When producing a sound recording or video recording, the producer shall conclude a contract with, and pay remuneration to, the performers.

**Article 44.** A producer of sound recordings or video recordings shall have the right to permit others to reproduce, distribute, lease and disseminate to the public through information network such sound recordings or video recordings and shall have the right to receive remuneration therefrom. The term of protection of such rights shall be fifty years, expiring on December 31 of the fiftieth year after the first completion of production of the recording.

A licensee that reproduces, distributes, and disseminates audio and video recordings to the public through information networks shall also obtain permission from, and pay remuneration to, the copyright owner and the performer; and a licensee that leases audio and video recordings shall also obtain permission from, and pay remuneration to, the performer.

**Article 45.** Where sound recordings are used for wired or wireless public dissemination, or for public broadcasting to the public through technical equipment transmitting sound, remuneration shall be paid to the sound recording producer.

**Section 4**Broadcasting by A Radio Station or Television Station

**Article 46.** A radio station or television station that broadcasts an unpublished work created by another shall obtain permission from, and pay remuneration to, the copyright owner.

A radio station or television station that broadcasts a published work created by another does not need to obtain permission from, but shall pay remuneration to, the copyright owner according to the provisions.

**Article 47.** A broadcasting station or television station shall have the right to prohibit the following acts conducted without its permission:

(1) rebroadcasting a radio or television program broadcast by it by wired or wireless means;

(2) recording and reproducing a radio or television program broadcast by it; and

(3) disseminating a radio and television broadcast by it to the public via information networks.

The exercising of rights prescribed in the preceding paragraph by a broadcasting station or television station shall not affect, restrict or infringe upon any other's exercising of copyright or copyright-related rights.

The term of protection for the rights prescribed in the preceding paragraph of this Article shall be 50 years, expiring on December 31 of the 50th year after broadcasting of the radio or television program for the first time.

**Article 48.** A television station that broadcasts an audiovisual work or a video recording of another, shall obtain permission from, and pay remuneration to, the copyright owner of an audiovisual work or a video producer; and a television station that broadcasts a video recording of another, shall also obtain permission of, and pay remuneration to, the copyright owner.

**Chapter V Protection of Copyright and Copyright-Related Rights.**

**Article 49.** In order to protect copyright and copyright-related rights, the right holder may take technical measures.

Without permission of the right holder, no organization or individual shall deliberately avoid or destroy the technical measures, manufacture, import or provide relevant devices or components for the public for the purposes of avoiding or destroying the technical measures, or deliberately provide technical services for another to avoid or destruct the technical measures, except under the circumstances in which avoidance is allowed as prescribed in the laws and administrative regulations.

For the purposes of this Law, technical measures mean effective technologies, devices or components used to prevent or restrict browsing or appreciation of works, performance, and audio and video recordings, or provision of works, performance, and audio and video recordings for the public via information networks without permission of the right holder.

**Article 50.** Under the following circumstances, technical measures may be avoided, but technologies, devices or components for avoiding technical measures shall not be provided to others, nor other rights enjoyed by right holders according to the law shall be infringed upon:

(1) providing a small amount of published works that cannot be obtained through normal channels for classroom teaching or scientific research at schools and for use by teachers or scientific researchers;

(2) providing published works that cannot be obtained through normal channels for dyslexics in a barrier-free way through which they can perceive for non-for-profit purposes;

(3) the state authorities perform official duties under the administrative, oversight and judicial procedures;

(4) testing the security performance of computers and their systems or networks; and

(5) conducting encrypted search or conducting reverse engineering research on computer software.

The provisions of the preceding paragraph shall apply to restrictions on copyright-related rights.

**Article 51.** The following conducts are not allowed without permission of the right holder:

(1) deliberate deletion of or change in the right management information on works, typographical designs, performances, audio and video recordings, or radio and television programs, except for those which cannot be avoided due to technical reasons; and

(2) provision of information to the public when the provider knows or should have known that the right management information on works, typographical designs, performances, audio and video recordings, or radio and television programs has been deleted or changed without permission.

**Article 52.** Anyone who commits any of the following acts of infringement shall bear the civil liability for such remedies as ceasing the infringing act, eliminating the effects of the act, making a public apology or paying compensation for damages, depending on the circumstances:

(1) publishing a work without the permission from the copyright owner;

(2) publishing a work of joint authorship as a work created solely by oneself, without the permission from the other co-authors;

(3) having his name mentioned in connection with a work created by another, in order to seek personal fame and gain, where he has not taken part in the creation of the work;

(4) distorting a work created by another;

(5) plagiarizing the works of others;

(6) exploiting a work by means of exhibition, making audiovisual works, or by means of adaptation, translation, annotation, etc. without the permission from the copyright owner, unless otherwise provided in this Law;

(7) exploiting a work of another without paying remuneration where such remuneration shall be paid;

(8) releasing an original or a copy of a work or an audio and video recording without permission of the copyright holder, performer or audio and video producer of an audiovisual work, computer software, or audio and video recording, unless otherwise prescribed in this Law;

(9) exploiting the typographic design of a book or periodical without the permission of the publisher;

(10) broadcasting live a performance or communicating the live performance to the public, or recording such performance without the permission of the performer; or

(11) committing any other act of infringement upon copyright and upon other rights related to copyright.

**Article 53.** Anyone who conducts any of the following torts shall, as the case may be, assume the civil liabilities as prescribed in Article 52 of this Law; where a tort concurrently damages public interests, the copyright authority shall order the violator to cease the tort, give a warning, confiscate the illegal gains, confiscate and harmlessly destroy and dispose of the infringing copies, as well as the materials, tools, and equipment, among others, that are mainly used to make the infringing copies, and where the illegal business amount exceeds RMB 50,000 Yuan, a fine of one to five times the illegal business amount may be imposed; where there is no illegal business amount, or the illegal business amount is difficult to be calculated or is less than RMB 50,000 Yuan, a fine of not more than RMB 250,000 Yuan may be imposed; and where the tort constitutes a crime, the infringer shall be prosecuted for his criminal liability:

(1) reproducing, issuing, performing, projecting, broadcasting, compiling, disseminating a work to the public via information networks without permission of the copyright owner, unless otherwise prescribed in this Law;

(2) publishing a book whose exclusive right of publication is enjoyed by another;

(3) reproducing or issuing audio and video recordings of performance, or disseminating performance to the public via information networks without permission of the performer, unless otherwise prescribed in this Law;

(4) reproducing, issuing, or disseminating audio and video recordings produced by a producer of audio and video recordings to the public through information networks without permission thereof, unless otherwise prescribed in this Law;

(5) broadcasting, reproducing, or disseminating radio and television programs to the public via information networks without permission, unless otherwise prescribed in this Law;

(6) deliberately avoiding or destroying technical measures, deliberately manufacturing, importing or providing for another devices or components mainly used to avoid or destroy technical measures, or intentionally providing technical services to for another to avoid or destroy technical measures, without permission of the copyright owner or copyright-related right holder, unless otherwise prescribed by laws and administrative regulations;

(7) deliberately deleting or changing the right management information on the works, typographical designs, performances, audio and video recordings, or radio and television programs, and providing the information to the public when the provider knows or should have known that the right management information on works, typographical designs, performances, audio and video recordings, or radio and television programs has been deleted or changed without permission, without permission of the copyright owner or copyright-related right holder, unless otherwise prescribed by laws and administrative regulations; or

(8) producing or selling a work where signature of another is counterfeited.

**Article 54.** An infringer infringing upon copyright or copyright-related rights shall make compensation on the basis of the right holder's actual losses arising therefrom or the infringer's illegal gains; and where the right holder's actual losses or the infringer's illegal gains are difficult to be calculated, compensation may be made on the basis of the royalties on the right. For deliberate infringement upon copyright or copyright-related rights, where circumstances are serious, compensation may be made on the basis of the amount not less than one time nor more than five times the amount determined by the aforesaid methods.

Where the right holder's actual losses or the infringer's illegal gains and royalties are difficult to be calculated, the people's court shall, on the basis of the seriousness of the tort, adjudicate on a compensation not less than RMB 500 Yuan and not more than RMB 5,000,000 Yuan.

The amount of compensation shall include the reasonable expenses paid by the right holder for stopping the tort.

Where a right holder has assumed necessary responsibility for burden of proof, and the account books and materials, among others, concerning the tort are mainly held by the infringer, the people's court may order the infringer to provide the account books and materials concerning the tort; and where the infringer does not provide them, or provides false account books and materials, the people's court may determine the amount of compensation with reference to the claims of the right holder and the evidence produced.

The people's court hearing a case of disputes over copyright shall, at the request of a right holder, order destruction of infringing copies, except for special circumstances; order destruction of materials, tools, and equipment, which are mainly used for manufacturing infringing copies, without compensation; or under special circumstances, order prohibiting the aforesaid materials, tools, and equipment, from entering commercial channels, without compensation.

**Article 55.** When investigating and handling suspected infringement upon copyright and copyright-related rights, the copyright authority may inquire about the relevant parties and investigate the situation concerning the suspected illegal act; carry out on-site inspections of the parties' premises and articles suspected of illegal acts; consult and copy contracts, invoices, account books and other relevant materials concerning the suspected illegal acts; and may seal up or seize the premises and articles suspected of illegal acts.

When the copyright authority exercises the functions and powers prescribed in the preceding paragraph in accordance with the law, the parties shall provide assistance and cooperation, and shall not reject or obstruct the exercising of such functions and powers.

**Article 56.** Where a copyright owner or a copyright-related right holder has evidence to prove that another is committing or is about to commit an act infringing upon his or her right and hindering his or her exercising of right, and failure to stop the acts in a timely manner will cause irreparable damages to his or her lawful rights and interests, he or she may request the people's court to take measures such as property preservation, ordering certain actions, or prohibiting certain actions according to the law before instigating a lawsuit.

**Article 57.** For the purpose of stopping the tort, a copyright owner or a copyright-related right holder may, under the circumstances that the evidence may be destroyed or lost or difficult to be obtained later on, apply to the people's court for evidence preservation before initiating a lawsuit according to the law.

**Article 58.** The people's court hearing a case may confiscate the unlawful income, infringing reproductions and materials used for committing the illegal act of infringement of copyright or copyright-related rights.

**Article 59.** A publisher or producer of reproductions who is unable to prove the lawful authorization of his publication or production, or a distributor of the reproductions or a lessor of the reproductions of audiovisual works, computer software, sound recordings or video recordings, who is unable to prove the lawful sources of his distribution or lease of the reproductions, shall bear the legal liabilities.

Where, during the litigation process, an accused infringer claiming that he or she is not liable for tort shall produce evidence to prove that he or she has obtained the permission of the right holder, or he or she falls under the circumstances where use is allowed without permission of the right holder as prescribed in this Law.

**Article 60.** A dispute over copyright may be settled by mediation, or be submitted for arbitration to a copyright arbitration institution under a written arbitration agreement , or under the arbitration clause in the copyright contract concluded between the parties.

Any party may bring a lawsuit directly to the people's court in the absence of a written arbitration agreement or an arbitration clause in the copyright contract.

**Article 61.** The parties' assumption of civil liabilities due to failure to perform contractual obligations or non-conformance of the agreement in performance of contractual obligations, and the parties' exercising of litigation rights, and application for preservation, among others, shall be governed by the provisions of the relevant laws.

**Chapter VI Supplementary Provisions**

**Article 62.** For the purposes of this Law, the terms "zhuzuoquan" is "banquan"[ⅱ].

**Article 63.** The term "publish" mentioned in Article 2 of this Law means reproduction and distribution of a work.

**Article 64.** Regulations for the protection of computer software and of the right of dissemination via information networks shall be established separately by the State Council.

**Article 65.** Where the term of protection for right of publication, and rights as provided in Items 5 through 17 of Paragraph 1 of Article 10 of this Law, of a photographic work, has expired before June 1, 2021, but is still within the term of protection according to Paragraph 1 of Article 23 of this Law, the photographic work shall no longer be protected.

**Article 66.** The rights of copyright owners, publishers, performers, producers of sound recordings and video recordings, radio stations and television stations as provided in this Law, of which the term of protection specified in this Law has not yet expired on the date of this Law's entry into force, shall be protected in accordance with this Law.

Any infringements upon copyright and the rights related to copyright or breaches of contract committed prior to the entry into force of this Law shall be dealt with under the relevant regulations in force at the time when the act was committed.

**Article 67.** This Law shall enter into force on June 1, 1991.